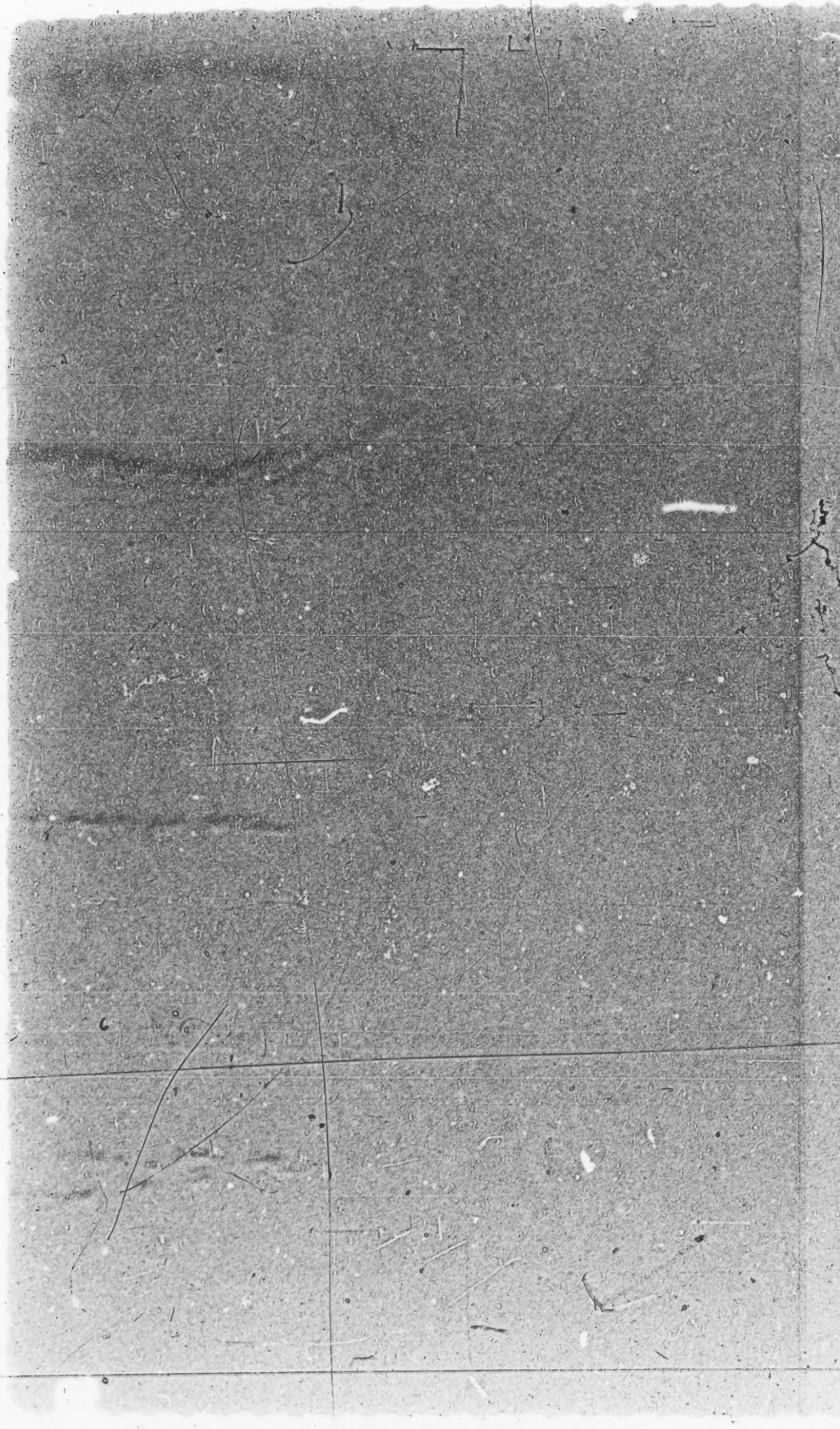

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Supreme Court of the United States

OCTOBER TERM, 1953

No. 57

GEORGE LEWIS DICKINSON,

Petitioner

v.

UNITED STATES OF AMERICA,

Respondent

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

REPLY BRIEF FOR PETITIONER

MAY IT PLEASE THE COURT:

Now comes the petitioner and makes this his reply to the brief for the respondent, the Government, in this case.

I.

It is said by the Government that Congress did not intend to put a "legal strait-jacket" upon any religious group. (See its brief at page 42.) Yet throughout its brief we find that the theme, the main basis and each argument

for denial of the exempt status to Dickinson, does what it admits cannot be done. The sum of the Government's argument is that Dickinson does not conform to the orthodox views of the Government. These illegal suggestions are handed to this Court as the Government's "strait-jacket" to put on Dickinson contrary to the intent of Congress.

1.

The statement in the Senate Report (Sen. Rep. 1268, 80th Cong., 2d Sess., p. 13) that the exemption is not "intended for members generally" is said not to exclude protection for the "Seventh Day Adventist religious teachers." They are protected, the Government says. (See the Government's brief at page 42.) These religious book distributors engage full time in the circulation of Adventist tracts. They, for the Adventist organization, perform only one of the major religious functions performed by the pioneer minister of Jehovah's Witnesses of which group Dickinson is one. Yet the Government asks the Court to hold that Congress intended to discriminate against Jehovah's Witnesses and in favor of the Adventist workers. The Conference Report (H. Rep. 2438, 80th Cong., 2d Sess., p. 43) quoted from at page 44 of the appendix to petitioner's brief and at pages 40-41 of the Government's brief impeaches the Government's argument against Dickinson in this case. That report plainly showed that Congress intended to avoid indicating "that other such sects would be excluded." This it did through acceptance of the Senate Bill and rejection of the original House provisions.

2.

Petitioner agrees with the Government that Congress did not intend to grant mass exemptions to Jehovah's Witnesses. (See Government's brief page 42.) Compare *Hull* v. *Stalter*, 151 F. 2d 633, 635, 637-639 (7th Cir.). Yet petitioner disagrees with the backhanded and indirect meth-

od employed by the Government to have this Court announce a principle that will produce mass discrimination and denial of the exemption to *all* Jehovah's Witnesses (See paragraph 4(a) to 4(f) *infra*, at pp. 6-11.) This will result from accepting the argument in spite of their preaching according to the principles of Jehovah's Witnesses and pursuing their ministry as their vocation. Congress intended to protect all Jehovah's Witnesses preaching as full-time ministers, which ministry is their vocation. These are known as "pioneer" ministers. They preach full time. Dickinson is one of these. He preaches full time the religion of Jehovah's Witnesses as his vocation. With this as his vocation he fits the statute.

3.

At several places in its brief the Government says some things here challenged. It states that Congress did not intend to grant the exemption to ones who had not been *set apart from the members generally* of their church. (See Government's brief at pages 42-45.) This is all right when the exclusion is limited to laymen. But it is then argued that, because there are others among Jehovah's Witnesses who also preach as Dickinson does, he has not been set apart "from the members generally" so as to make him a leader. It leaves no room for a society of ministers. Congress did not intend to exclude all the missionary societies that have no laymen.

(a)

The approach of the Government to the problem is crippled by condemning the religious structure that all Jehovah's Witnesses are ministers. The comparison that it makes between Jehovah's Witnesses and the orthodox pulpit preachers weakens the argument of the Government. Legal support falls from it. To begin with, Jehovah's Witnesses are a ministerial society. All are ministers. None can

be a member unless he is a minister and actually preaches. Some are ministers part time, Dickinson and 2,000 others. The full-time ministers of this organization are covered by the law. The part-time [illegible] they are all ministers and members. [illegible] thing that sets Dickinson apart from the [illegible] ly" of the society, entirely overlooked by [illegible] —is the amount of time that he devotes to the ministry. The time devoted makes the minister. [illegible] is a basic feature of developing the full time [illegible] the ministry as its vocation. Also [illegible] bers generally by the title "pioneer." The religious organization of Jehovah's Witnesses, acting through its corporate religious legal governing body, has set apart all of its full-time "pioneer" ministers. It has made all "pioneers" the "leaders" or leading ministers of this group. (See the Selective Service System material in the appendix to petitioner's brief at pages 8-10, 12-13, 24-26, 33-34.) When properly considered, it is because he is a "pioneer" and an account of his preaching full time that Dickinson is a "leader." By these factors he can be distinguished from "the members generally" who preach part time. This time or vocational distinction makes him entitled to the exemption.

(b)

Another fatal error of the Government is that the Government demands a "laity" membership among Jehovah's Witnesses. Since Jehovah's Witnesses have no "lay" members, it is said that none is entitled to the exemption. This demand necessarily excludes Dickinson and all others of Jehovah's Witnesses. This demand, however, finds no support in the statute or the regulations. There are many religious missionary and ministerial societies, both Catholic and Protestant, that have no laity. In their membership they are like Jehovah's Witnesses. Even the "membership" of the Catholic Church is confined to the priests, bishops, archbishops and cardinals. The so-called Catholic is no member

of the church but is a mere "visitor" of the church. He has never been called a member of "the church," as it is referred to.

(c)

The Government argument that because in [illegible] all are ministers—[illegible] Witnesses are ministers—[illegible] Because the [illegible] ministers (who do not meet the standards of the law) does not spell that the full-time ones (who do conform to the statutory requirements) could be denied their exemption.

(d)

The argument of the Government overlooks that while there are no lay members of the missionary society there is a "laity" class associated with Jehovah's Witnesses. But they are not members or ministers. They are not called Jehovah's Witnesses. The term "Jehovah's Witness" like the word 'priest' is used to identify a minister. This group of laymen is described by the organization as those persons of good will or the people—the millions—who are served with spiritual food provided by the ministers (Jehovah's Witnesses) in the homes of the people. Dickinson showed the board that he had a laity class that acknowledged him as their preacher. It was the group of worshipers or people of good will in the homes located in his missionary field that were receiving teaching and training in God's Word from Dickinson. Dickinson stood in relation to those religious "sheep" or attendants—his "people of good will"—in the same way that does the priest of the Roman Catholic Hier-

arsby stand toward the "children of the church" or so-called members of the church. Dickinson was their "shepherd." He was that type of "leader" among Jehovah's Witnesses that Congress intended to exempt.

The fact that Dickinson did not make his "sheep" or "people of good will" come to him and attend his church as the modern ordained preacher does is immaterial. He still has his followers even if he does make lowly servant go to them and minister to them in their homes. He was their "leader" even though he went to them to preach. They constituted the "members generally" of his church, the quoted term here used taken from the Senate Report.

4.

The Government says that it agrees that the qualification of petitioner and the method of preaching pursued by him are for Jehovah's Witnesses to determine. (See the Government's brief at page 43.) Yet what is said elsewhere in its argument indirectly nullifies this admission. The entire argument of the Government beats around the bush of this admission. Instead of confining its argument to the only standard left open for consideration—whether the "pioneer" ministry is the vocation of Dickinson—the Government like an attacked octopus darkens the water so that the real object cannot be seen. It mentions a number of foreign and irrelevant factors or considerations as basis in fact. This is done to hide the real question: Is the "pioneer" ministry his vocation? There are no material or relevant facts that the Government has pointed out that were relied upon by the board which show that petitioner was not in the full-time "pioneer" ministry as his vocation. None of the facts showing the pioneer work to be his vocation is denied. No basis in fact is shown by the Government for the denial of the exemption.

(a)

Much emphasis is put upon the youthfulness of petitioner by the Government. (Government's brief page 45.) It is said that, because he was seventeen years old on entering the ministry, such is basis in fact for the denial. The Government (over the same place in its brief) says that youthfulness is not always a consideration but with Dickinson it was. (See Government's brief, p. 45.) Perhaps we are authorized by Government to infer from this that, if a Catholic, Protestant or Jewish minister were involved, youthfulness would not be a basis in fact. But, since it is one of Jehovah's Witnesses before the Court, it is a basis in fact. Such discriminatory argument was rejected in *Fowler v. Rhode Island*, 345 U. S. 67.

(b)

At two places in the Government's brief reference is made to the fact that at the time Dickinson filed his questionnaire he showed he was doing 40 hours a week secular work at night to support him. (See the Government's brief at pages 46 and 49.) It is argued that such is basis in fact for the denial. It is doubtful that a minister who pursued his ministry as his vocation during the daytime but who also supported himself by night secular work 40 hours a week could be denied his exemption. Dickinson's vocation was the ministry even though he did night work on the side at the time of the filing of the questionnaire. But he had quit night work over eleven months before he was first classified I-A. This was a drastic change in his favor. He told the board he was in the full-time ministry and had quit the night job requiring 40 hours of his time each week. It was not his former status with a full-time night job in secular work before classification that was pivotal. But his status at the time of the first classification and that following personal appearance was what counted. The time devoted to secular work shown in the questionnaire (that had

changed at the time of the first classification) is not material and is not a relevant basis in fact for the denial of the classification.—*Hull* v. *Stoller*, 151 F. 2d 633, 635, 637-639 (7th Cir.).

(c)

An extensive argument is made by the Government about his signing the conscientious objector blank in the questionnaire, which asks for a conscientious objector form, and then later striking out his signature on the blank. (See the Government's brief at pages 46-47.) All the talk about the trouble he had over his conscientious objector form is immaterial. The conscientious objector claim is a different classification. Suppose he were married and had a child, which, until recently, would defer him. Assume that he had made mistakes about whether to claim such deferment at first and that he waited until the last, when he failed on his ministry claim, to make the conscientious objector status. Such delay would not affect his claim for exemption as a minister. So also his delayed making of his conscientious objections known would not be material.

The failure to sign for the conscientious objector papers by one of Jehovah's Witnesses, as Dickinson did here, was held not be relevant and was not considered as a basis in fact for the denial of the ministry exemption in *United States* v. *Burnett*, No. 18696, United States District Court, Western District of Missouri, Western Division, decided September 1, 1953, — F. Supp. —.

(d)

Even assuming the delayed urging of the claim is material it is nevertheless wholly unsubstantial. Petitioner gave two very good reasons for striking off his signature and his late claiming of the conscientious objector status.

One was that he erroneously thought that it was necessary to be a pacifist to claim conscientious objection. He

thought a religious objector not a pacifist—as he was not a pacifist—could not make it under the law. (See the record at page 87.) This erroneous belief was perhaps generated by the ruling of the attorney general that Jehovah's Witnesses were not conscientious objectors because they were not pacifists. The validity of the ruling by the attorney general as to the status of Jehovah's Witnesses on this ground of nonpacifism is emphasized and made known to Jehovah's Witnesses in many cases. (See *Taffs* v. *United States*, No. 14,791 on the docket of the Court of Appeals for the Eighth Circuit.) Printed as an appendix to this reply brief is a sample of the ruling of the attorney general that has produced the wrong opinion among some of Jehovah's Witnesses. This governmental theory was condemned in *Annett* v. *United States*, 205 F. 2d 689 (10th Cir.).

The other reason for not making out the conscientious objector form was that he believed that he could not get his claim for minister's exemption if he filed for the conscientious objector status at the same time. (See the record at page 87.) This reason also was apparently based on an erroneous belief among Jehovah's Witnesses flowing from the activities of the FBI, under an order of the attorney general, in interviewing Jehovah's Witnesses about their conscientious objector claims. (See the appendix at pages 56-64 of the petition for writ of certiorari filed in *Neal* v. *United States*, No. 791, October Term, 1952.) In that case the facts and the appendix show that the FBI agents interviewing Jehovah's Witnesses claiming conscientious objector status were directed to inform Jehovah's Witnesses seeking the ministerial exemption that it would be better to give up or not press the conscientious objector claim so as to make stronger their ministry claim.

Since petitioner had the same two erroneous beliefs about the inadvisability of pressing his conscientious objector claim as those possessed by the attorney general it cannot now be argued by him that Dickinson should be condemned because he did not press the claim at the beginning.

(e)

It is argued by the Government that the board had the right to consider, as basis in fact for the denial of the claim for exemption, the fact that all Jehovah's Witnesses claimed exemption. The irrelevancy of this argument is demonstrated above at pages 3-4 and in the main brief for petitioner at pages 78-80. The Government suggests also that he should have shown that he stood out as the religious leader and that he was nothing but an "ordinary member" because he did not belong to a religious organization that drew a closer line between clergy and laity. (See the Government's brief at pages 47-49.) It has previously been shown that a sharp line is actually drawn between laity and ministers by Jehovah's Witnesses. (See above at pages 5-6.) As to the need to show that he was an outstanding leader or leading minister among Jehovah's Witnesses that was irrefutably supplied when he told the board that he was a "pioneer" full-time minister and that the ministry was his vocation.

(f)

The Government also argues that because the meeting places of the "laity" learners of Dickinson were in only two or more homes and not in church and he preached only publicly on the streets and from door to door, such was basis in fact for the denial of the exemption. It refers to these being "*in accordance with the organization instructions.*" (Emphasis added) Then the Government goes on to say, after referring to a description of his duties, that Dickinson failed "to point out precisely how these activities differed from those carried on by Jehovah's Witnesses generally." It is also said that others may have been pioneers in the congregation.—See the Government's brief at page 52.

The irrelevance of this argument is plain. It also flies in the teeth of the concession by the Government that the qualification of petitioner and his methods of preaching are

ecclesiastical determinations. (See the Government's brief at page 44.) It was only for the legal governing body of Jehovah's Witnesses to fix the duties of petitioner. The fact that he preached the same way that the part-time ministers preached is immaterial. It cannot be questioned by the Government. It is absolutely discriminatory, illegal and contrary to the spirit of religious freedom of this country for the Court to accept the argument that it is necessary for a religious organization to fix a different, strange or unusual method of preaching for some ministers so that they can get the exemption. Why should Jehovah's Witnesses be treated differently from other religions? This condemnation is not made against the Catholic ministers who do everything from acting as janitors, teaching in colleges, farming at monasteries and doing administrative work to preaching from the pulpit. The Congress placed emphasis upon the separate methods of all the organizations and made room for each different group involved. It did not put a "legal strait-jacket" (term used by the Government) on the methods of preaching by ministers. Yet the Government now asks the Court to do what it admits is illegal.

It is plain that there is no basis in fact shown for the denial of the exemption because Dickinson failed to establish that his duties and method of preaching were different from the methods and duties of other Jehovah's Witnesses.

5.

It is obvious that the foregoing erroneous factors that the Government says were basis in fact are not relevant facts or basis for denial of the exemption. None of them disproved the undisputed record that Dickinson was qualified for the ministry and preached full time according to the standards fixed by the legal governing body of Jehovah's Witnesses or that the ministry was his vocation. The Government has admitted that such matters of qualification and method of preaching are ecclesiastical determinations within the sole and unchallengeable jurisdiction of the

legal governing body of Jehovah's Witnesses. That determination is not subject to attack by boards, the Government or the courts.—See the Government's brief at page 44.

The undisputed evidence showed that Dickinson devoted his full time to the performance of his duties as such minister. None—not one—of the above factors relied on by the Government (discussed in paragraphs 4(a) to 4(f), inclusive) denies or disputes that the vocation of Dickinson was preaching. The above foreign standards should be discarded because they have no relevance to the act. They are immaterial and artificial grounds. If they were relied upon by the board, they would be basis for a declaration by this Court that the determinations denying the claim for exemption are arbitrary and capricious. If the Court accepts any of them, then petitioner asks the Court to declare that the classification is illegal and contrary to the law because each one is arbitrary and capricious. (Compare *Nisnik* v. *United States*, 184 F. 2d 972 (6th Cir.), and *Kose* v. *United States*, 106 F. Supp. 433.) See also brief for petitioner at pages 51-61, where authority is cited which condemns the strange process handed up to this Court by the Government.

6.

Another thing that catches the Government off base in this case, when it relies upon the factors complained of in paragraphs 4(a) to 4(f) above, is that there is no evidence in the draft board file that any one of the draft boards relied upon any of these foreign and irrelevant factors. They are manufactured by the recent speculation of the Government and that earlier by the court below. Since the draft boards did not mention them or any of them as basis in fact, then it is beyond the competency of the Court to accept them from the Government or the court below. Even the suggestion that the board did not believe the petitioner cannot be indulged in by this Court, as basis in fact. The speculations itemized by the Government and some of the cases relied upon by the court below as basis for the denial of the exemp-

tion have been completely rejected in *United States* v. *Alvies*, 112 F. Supp. 618 (N. D. Cal. S. D., 1953). In that case Judge Carter held that since the papers filed by a conscientious objector were not disputed the denial of the claim was without basis in fact. He said:

> "There are a number of reported cases wherein courts have reviewed the question of whether or not there was a basis in fact for a classification given a particular registrant. A number of these point out the particular evidence which supported the classification. . . .
>
> "All of these cases wherein the courts have pointed out why there was a basis in fact for the classification given are clearly distinguishable from the instant situation because in all of the former there was evidence in the record to support a denial of the classification claimed by the registrant. In the instant case there is no evidence in the record to show that registrant's claim is not genuine.
>
> "Only if the court indulged in the bald assumption that the local and appeal boards did not believe the registrant to be truthful in stating his religious training and belief could it be said that there was a basis in fact for denying him a classification as a conscientious objector. But the record includes no indication that said boards did disbelieve Alvies. The regulations do not prohibit selective service boards from indicating on the written record that the veracity of a registrant is questioned. *U. S.* ex rel. *Kulick* v. *Kennedy*, *supra*, 66 F. Supp., at page 193.
>
> "But assumptions on the part of the court cannot substitute for evidence where the result would be to convict a man of a felony. As the Supreme Court said in the *Estep* case, *supra*, 327 U. S., at pages 121-22, 66 S. Ct., at page 427:

> "* * * * We are dealing here with a question of personal liberty. A registrant who violates the Act commits a felony. A felon customarily suffers the loss of substantial rights. Sec. 11, being silent on the matter, leaves the question of available defenses in doubt. But we are loath to resolve those doubts against the accused.'
>
> "Where the record of selective service board action in classifying a registrant is questionable, presumptions are resolved in favor of the registrant. . . . Unless there is some evidence in the record to support the classification given a Selective Service registrant there is no basis in fact for the classification. See Ex parte *Fabiani*, D. C. E. D. Pa., 105 F. Supp. 139, where Judge McGranery held that there was no basis in fact for denying a registrant a classification as a medical student where all the evidence in registrant's file indicated that he was, in good faith, studying medicine at a recognized medical school.
>
> "Since there is no evidence in Alvies' selective service file to support a denial to him of a classification as a conscientious objector, there is no basis in fact for his I-A classification. Thus, the I-A classification as the basis for criminal prosecution is void, as is the order to report for induction based upon that classification."

7.

The position of the Government in this case is rejected by *Hull* v. *Stalter*, 151 F. 2d 633, 635, 637-639 (7th Cir.); *Flakowicz* v. *Alexander*, 69 F. Supp. 181 (D. Conn.); *Arpaia* v. *Alexander*, 68 F. Supp. 820 (D. Conn.); *United States* v. *Graham*, 109 F. Supp. 377, 378 (W. D. Ky.); *United States* v. *Burnett*, No. 18596, Western District of Missouri, Western Division, — F. Supp. — (Sept. 1, 1953); *United States* v. *Milakovich*, No. C. 139 -36, Southern District of

New York, April 6, 1953. All these held denial of the ministry exemption was without basis in fact. (Compare *Annett v. United States*, 205 F. 2d 689 (10th Cir.).) This case held that where the evidence was undisputed the denial of the classification was arbitrary, capricious and without basis in fact. Accord, *United States v. Alonzo*, 112 F. Supp. 618.

II.

1.

To answer the Government's contention (brief pages 27-31) that the summary is adequate would require repetition of what appears in the main brief. To reply petitioner refers to pages 3-4, 10-12, and 105.

2.

The Government argues that the denial of the full and fair hearing before the district board of appeal was harmless error. It is said that there was no denial of due process because of the *de novo* classification made by the national board. It is said that the National Appeal Board had before it the letter written by Dickinson supplying the substance of material given by him upon personal appearance. The argument overlooks the vital fact that Dickinson may not have been required to appeal to the national board had the local board given the district board the material needed. The district board may have classified Dickinson as a minister if the local board had given it the material testified to orally by Dickinson. It is fundamental that, if a trial referee or master held back a part of a trial record from trial court, this denial of due process could not be cured by supplementing the transcript in the court of appeal. The only remedy is to remand the case to the trial court and start all over again. So it is with a local board that omits vital parts of a record. Since petitioner had no full and fair hearing in

the district board the *de novo* classification by the national board did not cure the error.

3.

In the Government's brief it is argued that Dickinson failed to point out by an appeal statement the omissions of the local board. The regulations and the court decisions do not put this burden upon the registrant. They put it on the board. The optional or discretionary right of the registrant to supply omissions on appeal does not excuse the local board from performing its mandatory function. *Smith* v. *United States*, 157 F. 2d 176, 183 (4th Cir.); *Nimitz* v. *United States*, 178 F. 2d 328, 334 (6th Cir.).

That the regulation (Section 1626.12) did not excuse the local board from its mandatory duty is proved by the amendment to Section 1624.2 in December, 1952. 32 C. F. R. (1952 Cum. Supp.) § 1624.2. This amendment changed the requirement so as to take the responsibility off the board and put it on the registrant to make an adequate summary. Had the original regulation put this responsibility on the registrant, as contended by the Government, it would have been unnecessary to amend the regulation. Up until the regulation was changed, the duty of the local board to make the summary was mandatory.

A check with the Selective Service System will show that the appeal boards, the state directors and the National Director sent a large number of cases back to the local boards for failure to comply with the regulation. If the regulation were merely directive and not mandatory this would never have been done.

In a consideration of this question the Court should not be misled by a belief that the petitioner had timely actual notice of the defect. He actually never checked the summary at any time before the case went to the appeal boards. Dickinson checked the summary but that was on June 25, 1951. This was after his case had gone to the National Selective Service Appeal Board. It is obvious that he had no notice

of the defect before the case went to the district or national board. He had notice of the defect after the case had been finally decided following his appeal, which was too late. It put no duty on him to complain about the failure of the board to comply with the law.

CONCLUSION

WHEREFORE, the judgment should be reversed for the reasons stated above and also for the reasons stated in the main brief for petitioner.

HAYDEN C. COVINGTON
124 Columbia Heights
Brooklyn 1, New York
Counsel for Petitioner

October, 1953.

APPENDIX

DEPARTMENT OF JUSTICE
Washington, D. C.

May 5, 1952
[Appeal Board Stamp]
MAY 9 1952

Chairman, Appeal Board,
Northern District of New York
Selective Service System
Governor Alfred E. Smith Office Building
Post Office Box No. 6
Albany 6, New York

Re: Siegfried Ranulf Taffs
S. S. No. 30-58-26-503
Local Board No. 58
Syracuse, New York

Dear Sir:

After examination and review of the entire file and record, the Department of Justice finds that the conscientious objections of the above-named registrant are not sustained on the ground that he has failed to establish that such alleged objections are based upon deep-seated conscientious convictions arising out of religious training and belief.

As required by section 6(j) of the Universal Military Training and Service Act, an inquiry was made in this case and an opportunity to be heard on his claim for exemption as a conscientious objector was given to the registrant by Honorable John F. D. Meighen, Hearing Officer for the District of Minnesota.

It will be noted that the recommendation of the Hearing Officer is not concurred in. In the SSS Form No. 150 the registrant sets forth the conditions under which he believes that force is justified. Among these is the defense of fellow

witnesses. Moreover, in a statement marked Appendix "L," the registrant admits that his "objection to military service is not based on grounds of pacifism, but rather in contradistinction to it, on grounds of conscientious objection to entangling ourselves in the affairs of the nations of the world, and hence having to break covenant to Jehovah, since nations are subject to the power of the evil one, from which power we have been set free." The registrant then contends that it is possible to be a conscientious objector without being a pacifist and refers to "February 1st Watchtower, 1950, appended to this appendix." The Article, "Why Jehovah's Witnesses are not Pacifists," appearing in this publication, emphasizes the

17 A

[Appeal Board Stamp]
MAY 9 1952

registrant's contention that he is not a pacifist and clearly shows that basis for the claimed exemption is not within the meaning of section 6(j), Universal Military Training and Service Act. To be exempt from training and service in the Armed Forces, the registrant must establish that he is conscientiously opposed to participation in war in any form. It is clear from the evidence in the Selective Service file that the registrant is not opposed to participation in war in any form but bases his claim on considerations which are not grounds for exemption within the meaning of the Act.

Accordingly, the Department of Justice recommends to your Board that the registrant be not classified as a conscientious objector.

There is returned the Selective Service Cover Sheet in the above case.

Sincerely,

T. Oscar Smith
T. Oscar Smith
Special Assistant to the Attorney General

(The above is a reprint from pages 107-108 of the printed transcript of the record in *Taffe v. United States*, No. 14,791, now pending on the docket of the United States Court of Appeals for the Eighth Circuit.)